UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION MDL Docket No. 2738

Civil Action No. 16-2738 (MAS) (RLS)

ORDER

THIS MATTER having been brought before the Court during the September 6, 2023 status conference, pursuant to the Court's August 2, 2021 Order regarding case-specific discovery for Stage Three cases, and for good cause shown;

IT IS on this 6th day of October, 2023,

ORDERED that the discovery deadlines set forth in the Court's August 2, 2021 Order are hereby amended as follows:

- 1. Pursuant to their discovery obligations, Plaintiffs shall order and serve updated medical records, authorizations, and pathology materials for the cases in the Bellwether Trial Pool by **October 11, 2023**.
- 2. Plaintiffs shall serve, if necessary, supplemental and amended disclosures of all general and case-specific experts pursuant to Rule 26(a)(2)(A) and serve on Defendants' counsel the Rule 26(a)(2)(B) reports of all general and case-specific expert witnesses they may use at trial in any of the Stage Three cases on or before **November 15, 2023.**
- 3. Any depositions of Plaintiffs' expert witnesses shall be completed on or before **January 22, 2024**.
- 4. Defendants shall designate all general and case-specific experts pursuant to Rule 26(a)(2)(A) and serve on Plaintiffs' counsel the Rule 26(a)(2)(B) reports of all general and case-specific expert witnesses they may use at trial in any of the Stage Three cases on or before **March 4**, 2024.
- 5. Any depositions of Defendants' expert witnesses shall be completed by **April 15**, **2024**.

IT IS FURTHER ORDERED that:

- 6. Depositions of general causation experts may only be taken if the expert provides a supplemental report, in which case the deposition shall be limited to four hours of testimony time and may only address new material contained in the supplemental report.
- 7. Depositions of experts who address case-specific issues for individual Plaintiffs in addition to providing new or supplemental reports on general causation shall be limited to a total of one day/seven hours of testimony unless the expert issues case-specific reports in three or more cases, in which case the deposition is limited to two days/14 hours of testimony time.

IT IS FURTHER ORDERED that:

- 8. Dispositive motions, including *Daubert* motions, shall be filed by **May 6**, **2024**. (The Court reserves on the dispute regarding the content of the *Daubert* motions.)
- 9. Oppositions to any dispositive or *Daubert* motions shall be filed by **June 5**, **2024**.
- 10. Replies in further support of any dispositive or *Daubert* motions shall be filed by **June 26, 2024**.

IT IS FURTHER ORDERED that:

- 11. Plaintiffs shall identify the case or the cases to be consolidated they propose for the first trial 75 days before the date of the first trial.
- 12. Plaintiffs shall serve their final list of trial experts for the first bellwether trial 60 days before the date of the first trial; Defendants shall serve their final list of trial experts for the first bellwether trial 45 days before the date of the first trial.
- 13. The parties shall file and serve the proposed Joint Final Pretrial Order no later than **30 days before the date of the first trial**.

MICHAEL A. SHIPP

UNITED STATES DISTRICT JUDGE